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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,633	08/05/2003	Udi Manber	SPARC.095A	7202
20995 7590 02/15/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER AVELLINO, JOSEPH E	
			ART UNIT 2143	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/15/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/15/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/634,633

Applicant(s)

MANBER ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/5/03, 9/10/03, 6/7/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 31-63 are presented for examination; claims 31, 43, and 54 independent.

The Office acknowledges the preliminary amendment canceling claims 1-30.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 40, 47, and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Referring to exemplary claim 40, the claim recites a "404 error" which is indefinite in the scope of the claim as to what this error particularly means. For examination purposes it will be construed as a server response, page unavailable error which is defined in HTTP as an error code 404. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31, 39, 40, 42-44, 47, 54, 55, 57 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Holzer et al. (US 2002/0059396) (hereinafter Holzer).

6. Referring to claim 31, Holzer discloses a system for handling page request errors, comprising:

an error processing server 14 (Figure 1);

a client component 13 that runs on a client computing device (p. 2, ¶ 18), in association with a client browser (i.e. the Office construes the term “associated” to be broadly construed as running in tandem or in a cooperating fashion) (Figure 1);

wherein the client computer is responsive to the detection of the unavailability of a target web page (i.e. a request being faulty) (Figure 2, ref. 2), by sending a request to the error processing server (i.e. database 14), and the error processing server uses the address to select an alternate object to be displayed by the browser program in place of the requested web page (i.e. the error server access a database 14 which determines the alternative data to be transferred back to the client) such that a priority is given to a first object over a second alternative object (i.e. the scanner sends to the error server any information to the error, including a URL, which retrieves information which correlates to the request) (p. 2, ¶ 21-29);

whereby the system enables an alternative object that is associated with the requested web page to be presented to a user when the requested web page is

unavailable (i.e. "the user will receive alternate proposals instead of cryptic error messages") (p. 2, ¶ 29).

7. Referring to claim 39, Holzer discloses the error server generates at least some of the alternate objects (the Office construes the term "generating" as "not having to request the object from another source, such as the ad banner stored at the database 14) (Figure 1).

8. Referring to claim 40, Holzer discloses detecting a 404 error (i.e. a fault answer to a request from a client) (p. 2, ¶ 22-23).

9. Referring to claim 42, Holzer discloses the client component is a browser plug-in (i.e. a component which interacts with a browser program) (p. 2, ¶ 18).

10. Claims 43, 44, 47, 54, 55, 57, and 63 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33, 46, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer.

12. Referring to claim 33, Holzer discloses the invention substantively as described in claim 31. Holzer does not explicitly state that the browser displays the sources of the alternate objects, however Holzer does disclose that the error server can utilize an additional-information server which can be a common search engine of the Internet (§ 23) which is well known for displaying the URL's of the pages it pulls up in response to a query (i.e. Yahoo, etc.). By this rationale, "Official Notice" is taken that both the concepts and advantages of identifying the sources of the alternate objects is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Holzer since Holzer discloses that further techniques dealing with error response can be introduced without departing from the scope of the invention (p. 2, § 28). This would provide sufficient motivation to one of ordinary skill in the art to modify the system in order to provide a more enhance system with a more efficient method of selecting alternative objects for a user.

13. Claims 46 and 56 are rejected for similar reasons as stated above.

Claims 32, 34-37, 41, 45, 49, 50, 52, 53, 58, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer in view of Messerly (USPN 5,941,944).

14. Referring to claim 32, Holzer discloses the invention substantively as described in claim 31. Holzer does not specifically disclose checking a plurality of alternative sources to identify an alternative object, each source corresponding to a different type of object. In analogous art, Messerly discloses another page error handling system which discloses analyzing alternate objects (i.e. data objects) to determine whether they are sufficiently identical to the requested object, corresponding to differing types of objects (i.e. web pages, audio, or visual data) (col. 4, lines 15-25, 35-40). It would have been obvious to one of ordinary skill in the art to combine the teaching of Holzer with Messerly since Holzer discloses that the database determines the alternate objects, however does not disclose the actual algorithms used (only a "search") (p. 2, ¶ 28). This would provide sufficient motivation to search the art to determine alternative objects to be sent to a browser, eventually finding Messerly and its method of sending a similar document when another is unavailable (e.g. abstract).

15. Referring to claim 34, Holzer discloses the invention substantively as described in claim 31. Holzer does not specifically disclose the use of a URL to URL table to associate documents with one another. In analogous art, Masserly discloses another page error handling system which has a URL to URL table to associate documents with

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one another (i.e. each catalog entry includes a list of identical web page documents...the document identifier for the identicals may be stored within the list...other property information including the URL is stored in the list) (col. 6, lines 34-45). It would have been obvious to one of ordinary skill in the art to It would have been obvious to one of ordinary skill in the art to combine the teaching of Holzer with Messerly since Holzer discloses that the database determines the alternate objects, however does not disclose the actual algorithms used (only a "search") (p. 2, ¶ 28). This would provide sufficient motivation to search the art to determine alternative objects to be sent to a browser, eventually finding Messerly and its method of sending a similar document when another is unavailable (e.g. abstract).

16. Referring to claims 35 and 36, the URL's in the catalog for the identicals provides URL's which are substitute and related URLs, since any substitute URL is inherently a related URL because it is related directly to the identical URL (col. 6, lines 34-45).

17. Referring to claim 37, Holzer-Messerly discloses the invention substantively as described in claim 34. Holzer-Messerly do not specifically disclose analyzing the clickstream to generate URL-URL mappings, however this feature is well known to analyze a clickstream to find related information (i.e. Alexa, Gator, etc. analyzes URL requests, and determines which pages to send back as related information). It would have been obvious to one of ordinary skill in the art to modify the system of Holzer-Messerly to include clickstream analysis to provide an efficient method to generate the

mappings found in Messerly to, rather than find an identical document, find a document which more closely relates to the information.

18. Referring to claim 41, Holzer discloses the invention substantively as described in claim 31, however does not disclose detecting a timeout error. In analogous art, Masserly discloses another system which discloses that if a page will not be available in a timely fashion (i.e. it times out), then substitute an alternative page (e.g. abstract). It would have been obvious to one of ordinary skill in the art to combine the teaching of Holzer with Messerly since Holzer discloses that the database determines the alternate objects, however does not disclose the actual algorithms used (only a "search") (p. 2, ¶ 28). This would provide sufficient motivation to search the art to determine alternative objects to be sent to a browser, eventually finding Messerly and its method of sending a similar document when another is unavailable (e.g. abstract).

19. Referring to claim 45, Holzer in view of Masserly disclose the invention substantively as described in the claims above. Holzer-Masserly do not specifically disclose that if a primary alternate object is unavailable, then sending a secondary object, however one of ordinary skill in the art would find it obvious to duplicate attempts for multiple effects. See *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (7th Cir. 1977). By this rationale, one of ordinary skill in the art would find it obvious to, when the alternate object is retrieved by the browser, and it is unavailable, the invention would send an error request to the error server. It would have been obvious to one of ordinary

skill in the art to modify the teachings of Holzer in view of Masserly in order to provide a redundant system, which will provide an efficient method of backup.

20. Claims 49, 50, 52, 53, 58, 60, and 61 are rejected for similar reasons as stated above.

Claims 38 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer in view of Risley et al. (USPN 6,332,158) (hereinafter Risley).

21. Referring to claim 38, Holzer discloses the invention substantively as described in claim 31. Holzer does not specifically disclose analyzing the clickstream of a user to determine if a user has misspelled the address. In analogous art, Risley discloses another page error handling system which analyzes the users address by using previous domain name requests (i.e. past statistics on website accessing by the present user and past users) (e.g. abstract). It would have been obvious to one of ordinary skill in the art to combine the teaching of Risley with Holzer to provide faster overall DNS performance, distribution of useful information, and promotion of commerce as supported by Risley (col. 4, lines 60-67).

22. Claim 51 is rejected for similar reasons as stated above.

Claims 48, 59, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer in view of Huntington et al. (USPN 7,162,698) (hereinafter Huntington).

23. Referring to claim 48, Holzer discloses the invention substantively as described in claim 43. Holzer does not specifically disclose that the alternate object is a cached version of the document. In analogous art, Huntington discloses another page unavailability system which when, if a page is unavailable, a request to a cache server is sent to determine if a cached version is available (Figure 24; col. 38, lines 8-20). It would have been obvious to one of ordinary skill in the art to combine the teaching of Huntington with Holzer in order to provide a way to ensure at least a possibly out-of-date page to the user when the updated page is unavailable, thereby reducing the likelihood of page errors for the user.

24. Claims 59, and 62 are rejected for similar reasons as stated above.

Conclusion

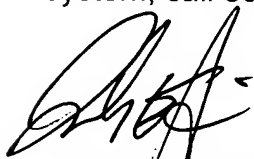
25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'J. Avellino', with a stylized flourish at the end.

Joseph E. Avellino, Examiner
February 6, 2007